

**U.S. CUSTOMS AND  
BORDER PROTECTION  
DISCIPLINE SUMMARY  
FISCAL YEAR 2009**

**Office of Human Resources  
Management  
Employee Relations Division**



**U.S. Customs and  
Border Protection**

# GENERAL OBSERVATIONS

- Removals, suspensions, and probationary terminations decreased in FY 09.
- Indefinite suspensions, demotions, and reprimands increased in FY 09.
- Overall discipline decreased by 0.67%
- Discipline Review Board case presentations decreased by 22%.
- Cases relating to improper relationships (i.e. illegal alien, criminal, supervisor/subordinate, and employees/trainees) increased.



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# AGENCY-WIDE ACTIONS

## FISCAL YEAR 2009

- 1,924 Disciplinary actions impacting 3.34% of the workforce
  - 50 Removals
  - 51 Long Suspensions (15+ days)
  - 30 Indefinite Suspensions
  - 10 Demotions
  - 370 Short Suspensions (1-14 days)
  - 981 Reprimands
  - 432 Probationary Terminations



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# TYPES OF MISCONDUCT RESULTING IN DISCIPLINARY ACTIONS

(Suspensions of 14 days or less, or reprimands)

- Loss, damage, improper storage of government property
- Improper operation of government-owned vehicle (GOV)
- Failure to follow order/directive/policy
- Unprofessional/discourteous conduct
- Careless performance of assigned duties
- Improper use of Treasury Enforcement Communications System (TECS)
- Similar misconduct to FY 08



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# TYPES OF MISCONDUCT RESULTING IN ADVERSE ACTIONS

(Suspensions of 15 days or more, demotions, removals)

- Falsification of statements or documents
- Lack of candor
- Improper association with criminals or illegal aliens
- Leaving post of duty without authorization
- Improper conduct of a sexual nature
- Misuse of position
- Operating GOV after consuming alcohol
- Violation of non-fraternization policy
- Unprofessional conduct
- Misuse of Government computer
- Failure to pay Government credit card
- Misuse of GOV



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# INDEFINITE SUSPENSIONS GENERAL OBSERVATIONS

- Indefinite suspensions for criminal activity increased from 22 in FY 08 to 30 in FY 09
  - 13 employees remain on indefinite suspension
  - Nine resigned
  - Five removed or proposed removal (one effected removal in FY 10)
  - Three returned to administrative leave as a result of criminal case being dismissed/acquittal. CBP will proceed with an administrative investigation, and possible discipline, if warranted.



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# TYPES OF CRIMINAL BEHAVIOR RESULTING IN INDEFINITE SUSPENSIONS

- Manslaughter
- Hiring illegal aliens
- Aggravated assault/stalking
- False statements
- Interfering with an investigation
- Willful cruelty to elder
- Sexual assault/sexual assault on minor
- Drug conspiracy
- Deprivation of constitutional rights
- Witness tampering
- Bribery
- Murder/attempted murder
- Embezzlement
- Possession of controlled substance/possession with the intent to distribute
- Office of worker's compensation program fraud
- Bodily injury to a child/solicitation of a minor
- Forgery/fraud
- Unlawful flight/attempting to elude law enforcement
- Leaving scene of injury/accident



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# DRUG FREE WORKPLACE PROGRAM GENERAL OBSERVATIONS

- 10.35% of Testing Designated Positions were tested in FY 09 resulting in 4,921 random drug tests
- Seven positive results from random drug tests
- Six reasonable suspicion tests resulting in two positive results



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# DISCIPLINE REVIEW BOARD (DRB) SESSIONS AND PROPOSALS/ACTIONS

- 24 Boards convened
- 259 Presentations
  - 137 Removals
  - 9 Demotions/demotions with suspensions
  - 66 Long suspensions
  - 16 Short suspensions
  - 6 Letters of Reprimand
  - 11 Letters of Counseling
  - 12 No action
  - 1 Letter of recommendation to management
  - 1 Pending additional information



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